

Carlos Hernández
Mayor

Isis Garcia-Martinez
Council President

Luis González
Council Vice President



Council Members
Jose F. Caragol
Vivian Casáls-Muñoz
Katharine E. Cue-Fuente
Paul B. Hernández
Lourdes Lozano

City Council Agenda March 25, 2014 7:00 P.M.

Call to Order -

Roll Call-

Invocation given by Acting City Clerk, Marbelys Fatjo

Pledge of Allegiance led by Councilwoman Katharine E. Cue-Fuente

Meeting Guidelines

The following guidelines have been established by the City Council:

- **ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK**
- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.
- Members of the public may address the City Council on any item pertaining to City business during the Comments and Questions portion of the meeting. A member of the public is limited to one appearance before the City Council and the speaker's comments will be limited to three (3) minutes.

Presentations –

- *Presentation* by Mayor Carlos Hernandez of a Certificate of Appreciation to the Hialeah High School's Mock Trial team members for winning all four rounds of the Miami-Dade County Mock Trial Competition, as well as for advancing to the semi-finals, an achievement that has only been accomplished three times in the past twenty-three years.

Students

- 1) Sarai Almanza
- 2) Mary Chavez

- 3) Kayla Hernandez
- 4) Stephanie Leon
- 5) Brittney Perdomo
- 6) Alejandra Perez
- 7) Elizabet Perez
- 8) Angela Rodriguez

- *Presentation* by Mayor Carlos Hernandez of a Certificate of Appreciation to the Coaches of the Hialeah High School's Mock Trial team members for their hard work and dedication.

Coaches

- 1) Ana M. Soto
- 2) Rafael Lopez, Esq.
- 3) Yanelis Zamora

- Mayor Hernandez and the City Council recognize Ines Falo Beecher, Acting Director of the City of Hialeah Management and Budget Office, for having been awarded the Chester A. Newland Presidential Citation of Merit by the American Society for Public Administration (ASPA), for invaluable support to an ASPA president and tireless service to the Society.
- Presentation of a Key to the City of Hialeah by Mayor Carlos Hernandez to William Grodnick, City Attorney, for his years of dedicated service to the City.

1. Announcement of Amendments/Corrections to the Agenda –

2. Consent Agenda—

All items listed with letter designations are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember, the Mayor or a resident so requests, in which case the item will be removed from the consent agenda and considered along with the regular order of business.

- A.** Request permission to approve the Summary Agenda/Minutes of the City of Hialeah Council Meeting held on March 11, 2014. (OFFICE OF THE CITY CLERK)
- B.** Request permission to utilize U.S. General Services Administration (GSA) contract #GS-07F-0113N, and increase purchase order #2014-219, issued to Barnes Group Inc., to purchase hardware supplies, by an additional amount of \$20,000, for a new total cumulative amount not to exceed \$40,000. (FLEET MAINTENANCE DEPT.)
- C.** Request permission to issue a purchase order to Opex Corporation, sole source vendor, for the purchase of an Opex Payment Processing Machine that is compatible with the department's billing system, including a one-year maintenance agreement, for a total cumulative amount not to exceed \$171,955. (DEPT. OF WATER AND SEWERS)
- D.** Request permission to utilize Miami-Dade County Bid #1070-5/14-4, a competitively bid governmental contract, and increase purchase order #2014-221, issued to Uni-Select USA, Inc., d/b/a Auto-Plus, for the purchase of recap tires for City trucks and vehicles,

by an additional amount of \$50,000, for a new total cumulative amount not to exceed \$100,000. (FLEET MAINTENANCE DEPT.)

- E.** Request permission to increase purchase order #2014-224, issued to American Battery Company, sole source vendor, for the purchase of batteries for City vehicles, by an additional amount of \$30,000, for a new total cumulative amount not to exceed \$60,000. (FLEET MAINTENANCE DEPT.)
- F.** Proposed resolution authorizing the transfer of unencumbered appropriation balances or a portion thereof between classifications of expenditures within an office or department within the General Fund; within the Special Revenue Funds, and in particular, Urban Area Security Grant Fund and the Affordable Housing Fund; and within Enterprise Funds and in particular, Public Works Fund-Water & Sewers Division and Stormwater Utility Fund, all as summarized and itemized in the schedule attached as Exhibit “1” and made a part hereof. (OFFICE OF MANAGEMENT AND BUDGET)
- G.** Proposed resolution ratifying and approving supplemental appropriations to the annual budget for fiscal year 2013-2014 and in particular, revising the budget to supplement revenues within the General Fund; within Special Revenue Funds and in particular, Street Transportation (6 Cent) Fund, ITPA/Hayes Fund, Law Enforcement Trust Fund-State, Parks Grant and Impact Fee Fund, Police Grant Fund, ECS & Library Grants Fund and the 21st Century Grant Fund; with corresponding balanced expenditures, in the amounts listed in Exhibit “1”. (OFFICE OF MANAGEMENT AND BUDGET)
- H.** Proposed resolution authorizing the expenditure of Law Enforcement Trust Funds – *State* in an amount not to exceed \$1,000.00 to support the costs associated with hosting an event for crime victims during National Crime Victims’ Rights Week, upon such costs having been approved by the Chief of Police. (POLICE DEPT.)
- I.** Proposed resolution approving the expenditure totaling an amount not to exceed \$6,148.00 from the Law Enforcement Trust Fund - *Federal*, to purchase fifty (50) 21” Talon Cerakote Batons and fifty (50) ASP 21” Envoy Rotating Scabbards, for the Hialeah Police Department, from Lou’s Police Distributor, Inc., lowest quote vendor, upon such costs having been approved by the Chief of Police. (POLICE DEPT.)
- J.** Proposed resolution approving the expenditure totaling an amount not to exceed twenty-three thousand one hundred and twenty-two dollars and nineteen cents (\$23,122.19) from the Law Enforcement Training Trust Fund, for the purchase of Speer Brand Law Enforcement Ammunition from Florida Bullet Incorporated., a sole source vendor, upon such costs having been approved by the Chief of Police. (POLICE DEPT.)
- K.** Proposed resolution approving the expenditure totaling an amount not to exceed \$156,336.95 from the Law Enforcement Trust Fund – *State* and from the Capital Outlay – Byrne (JAG) Account, as follows: \$125,965.00 for the purchase of five (5) 2014 Ford Interceptor Utility (K8A) police vehicles from Don Reid Ford, utilizing the pricing established by a competitive bid from the Florida Sheriff’s Association, and emergency equipment with installation for Rainbow Window Tinting Inc. for \$30,371.95 upon such costs being approved by the Chief of Police. (POLICE DEPT.)

- L. Proposed resolution authorizing the Mayor and the City Clerk, on behalf of the City, to renew the interlocal agreement with Miami-Dade County, in the form as attached hereto and made a part hereof as Exhibit "1", for the continued operation of the Hialeah Transit System, the Local Bus Circulator System in the City of Hialeah, for a term of five years, commencing on September 24, 2014 and ending September 23, 2019, with two successive five-year renewal terms. (TRANSIT DEPT.)
3. Second reading and public hearing of proposed ordinance approving the Development Agreement by and among FDG Countyline, LLC, a Delaware Limited Liability Company, FDG BN Expansion, LLC, a Delaware Limited Liability Company, and the City of Hialeah, Florida, a copy of which in substantial form is attached hereto and made a part hereof as Exhibit "1". **Property comprising approximately 504 acres within an area bounded on the West by NW 107 Avenue, on the North by NW 170 Street, on the East by NW 97 Avenue and on the South by NW 154 Street; all located in Hialeah, Florida. Property having a land use classification of industrial and located within the BDH Business Development Zoning District.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (LAW DEPT.)
4. Second reading and public hearing of proposed ordinance amending Chapter 78 entitled "Solid Waste" Article II. "Nuisances" of the Code of Ordinances and in particular amending Section 78-35 entitled "Work Performed by the City; Special Assessment of Costs and Expenses; Lot Clearing Lien" establishing priority of lot clearing liens to be equal in dignity to tax liens and superior in dignity to mortgages, judgments, and other liens and encumbrances; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in code; providing for a severability clause and providing for an effective date. (LAW DEPT.)
5. Second reading and public hearing of proposed ordinance accepting a right-of-way deed from Centergate at Gragny, LLC, a Florida Limited Liability Company, conveying all right, title and interest to a vacant parcel of land to the City of Hialeah consisting of approximately 101,352 square feet or 2.33 acres, which represents an area comprising of an extension of East 56 Street, East of the intersection of Le Jeune Road and East 56 Street, Hialeah, Florida in consideration of \$10.00; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (ADMINISTRATION)
6. Second reading and public hearing of proposed ordinance approving the release of an Easement and Operating Agreement dated August 12, 1999, as recorded in official records book 18739 at page 2732, in the public records of Miami-Dade County, Florida. **The Easement and Operating Agreement included various reciprocal and non-exclusive easements over a portion of property located East of Le Jeune Road and North of East 56 Street, Hialeah, Florida, formerly where the business owned by ABC Distributing, Inc. was located, and as more particularly described and depicted in exhibits to the Easement and Operating Agreement being released;** and further approving a new Easement and Operating Agreement on the same property for which, in part, allows an ingress and egress easement in favor the property Owner over a portion of the property that is being conveyed to the City as right-of-way; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation

hereof; providing for a severability clause; and providing for an effective date.
(ADMINISTRATION)

7. Proposed resolution ratifying and approving the Collective Bargaining Agreement between Hialeah Civil Service Employees Association, AFSCME, Local 161, and the City of Hialeah, Florida for a period from the effective date, March 25, 2014 through September 30, 2016, a copy of which will be on file in the Office of the City Clerk.
(ADMINISTRATION)
8. Board Appointments- **None.**
9. Unfinished Business-
10. New Business-
11. Comments and Questions-

Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision item.

Attention Applicants: Items approved by the City Council are subject to the Mayor's approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor's signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.

ZONING

- PZ 1. Second reading and public hearing of proposed ordinance repealing and rescinding Hialeah, Fla., Ordinance 2013-17 (March 12, 2013); granting a Special Use Permit (SUP) to allow an Assisted Living Facility with a maximum bed capacity of 38, pursuant to Hialeah Code §98-1956, and granting a Variance Permit to allow a lot coverage of 41%, where a maximum of 30% is allowed, to allow 5 parking spaces (where a minimum of 13 spaces are required), to allow all parking spaces to back-out on to the street (where back-out spaces are allowed only in low density residential districts), to allow a rear setback of 15 feet (where 20 feet are required), and to allow a south side setback of 7 feet (where 10 feet are required), contra to Hialeah Code §§98-2056(b)(2), 98-2189(21), 98-2190, 98-591, 98-590. **Property located at 1315 Southeast 9 Avenue, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. *Applicant: Ceasar Mestre* **Item Tabled on March 11, 2014 until March 25, 2014.**
- PZ 2. Second reading and public hearing of proposed ordinance granting a Special Use Permit and a Conditional Use Permit (CUP) to allow a daycare on property zoned R-1 pursuant to Hialeah Code §98-181(2)h, on condition that the daycare use is contingent upon the continued operation of a house of worship, and granting a Variance Permit to allow 46 parking spaces, where 92 spaces are required, contra to Hialeah Code §98-2189(8) on property zoned R-1 (One Family District). **Property located at 2600 East 8 Avenue, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith;

providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. *Applicant: Ada Perez & Gonzalo Perez*

- PZ 3. Second reading and public hearing of proposed ordinance repealing and rescinding Hialeah, Fla., Ordinance 2009-18 (May 15, 2009), granting a Conditional Use Permit (CUP) to allow a K-8 Private School with a total student population of 330, inclusive of the number of children enrolled in the daycare facility, pursuant to Hialeah Code §98-181(2)i, and granting a Variance Permit to allow 39 parking spaces, where at least 80 parking spaces are required, contra to Hialeah Code §98-2189(9), on property zoned M-1 (Industrial District). **Property located at 3580 West 84 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. *Applicant: Aledrien Investments Corp.*
- PZ 4. Second reading and public hearing of proposed ordinance approving a Final Plat of Paraiso Gardens, accepting all dedication of avenues, streets, roads or other public ways, together with all existing and future planting of trees; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. **Property is a vacant parcel, located at the north side of West 80 Street, West of Hialeah-Hialeah Gardens Boulevard (Northwest 92 Avenue) and East of West 36 Avenue (Northwest 97 Avenue), Hialeah, Florida.** *Applicant: Paraiso Gardens, LLC*
- PZ 5. Second reading and public hearing of proposed ordinance approving a Final Plat of Bellagio Villas, accepting all dedication of avenues, streets, roads or other public ways, together with all existing and future planting of trees; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. **Property is a vacant parcel, located at the east side of West 36 Avenue, bounded by West 84 Street to the South and West 92 Street to the North, Hialeah, Florida.** *Applicant: Bellagio Villas*
- PZ 6. First reading of proposed ordinance granting a Special Use Permit (SUP) to allow the operation of a used cooking oil storage facility on property zoned M-1 (Industrial District) and granting a Variance Permit to allow 15 parking spaces, where 20 are required, and to allow all parking spaces to back out on to the street, where backout parking is only allowed in low density residential districts, contra to Hialeah Code §§ 98-2189(15) and 98-2190. **Property located at 720 West 26 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. *Applicant: Viesel Fuel, LLC*
Item Tabled during the meeting of February 25, 2014 until the meeting of March 25, 2014.
- PZ 7. First reading of proposed ordinance granting a Variance Permit to allow a 15-foot two-way direction driveway on property zoned CR (Commercial-Residential District), contra to Hialeah Code §98-2188(a)b. **Property located at 275 East 9 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. *Applicant: Ceasar Mestre* **Item Tabled on March 11, 2014 until March 25, 2014.**

NEXT CITY COUNCIL MEETING: April 8, 2014 at 7:00 P.M.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: May 27, 2014 at 6:30 p.m.

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3rd Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than seven (7) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).